THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21420 OF 2006

DATED: 10-11-2006

Between :

M/s. Prakasam Granites and others. … Petitioners

And

The Employees Provident Fund Organisation
And another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21420 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the proceedings of the 2nd respondent – Assistant Provident Fund Commissioner, Guntur - dated 19-1-2005 as arbitrary, illegal and violative of Section 7(A) (a) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

A perusal of the impugned order makes it clear that it is an order passed by the 2nd respondent in exercise of powers conferred under Section 7(A) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') directing the petitioner to remit the amounts assessed thereunder towards PF contributions for the period from 1-4-2003 to 30-6-2004.

Though the petitioner has raised various contentions including that the impugned order which was passed without deciding the dispute regarding the applicability of the Act to the petitioner establishment is illegal and not in conformity with the statutory provisions, I am not inclined to go into the said question since admittedly against the order impugned an alternative remedy of appeal is available under Section 7-I of the Act.

The learned Counsel for the respondent Smt. Ch.Laxmi Kumari, under instructions, stated that the petitioner had earlier filed an application before the respondent under sub-section (4) of Section 7-A of the Act to set aside the impugned order claiming the same to be an ex parte order and the same was dismissed long back on 30-8-2005.

Be that as it may, as expressed above, the petitioner cannot maintain this writ petition without exhausting the alternative remedy of appeal available under the Act.

Accordingly, granting leave and liberty, the Writ Petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 10-11-2006
gbs